

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-CR-00117-RJC-DCK

USA

v.

RASHAWN DONNELL WILLIAMS

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ORDER

THIS MATTER is before this Court upon the defendant's pro se motion to defer restitution payments. (Doc. No. 102).

The defendant is serving a sentence at the Atwater (California) United States Penitentiary following his convictions relating to the attempted murder of a federal employee. (Doc. No. 75: Judgment; Doc. No. 102: Motion at 1). The Court ordered that payment of the penalties was to begin immediately. (Doc. No. 75: Judgment at 5). The Court recommended that the defendant participate in the Bureau of Prisons (BOP) Inmate Financial Responsibility Program (IFRP) and ordered that any balance remaining after imprisonment be paid in monthly installments while on supervised release. (Id. at 6). The defendant states he is in a Reintegration Housing Unit where he has no access to jobs and seeks to prevent the institution from attempting to collect payments.¹ (Doc. No. 102: Motion at 1).

The Fourth Circuit has directed that such a motion be treated as a habeas corpus petition under 28 U.S.C. § 2241 because the defendant has attacked the execution of the monetary penalties order. United States v. Hudson, 221 Fed. Appx.

¹ The defendant does not specify how the institution is attempting to collect.

255, 256 (4th Cir. Mar. 26, 2007) (unpublished). “A habeas petition under § 2241 must, however, be filed in the district in which the prisoner is confined.” In re Jones, 226 F.3d 328, 332 (4th Cir. 2000). The defendant is incarcerated within the Eastern District of California. Accordingly, this Court does not have jurisdiction over the instant motion.

IT IS, THEREFORE, ORDERED that the defendant’s motion (Doc. No. 102) is **DISMISSED WITHOUT PREJUDICE** to file an action in the appropriate district court.

Signed: December 30, 2021

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

